

MAR 22 2006

KRIEG · DEVAULT^{LLP}

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FAX COVER PAGE

DATE: March 22, 2006

PAGES INCLUDING THIS PAGE: 10

TO: United States Patent and Trademark Office
COMPANY: Examiner Richard R. Schafer, Art Unit 3733

FAX NUMBER: 571-273-8300
PHONE NUMBER:

FROM: Douglas A. Collier

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RE: Response to Office Action for U.S. Patent Application No. 10/631,241 to Burkus et al.

COMMENTS: I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office at 571-273-8300 on:

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Client Matter No.: 333 MSDI-1

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PTO/SB/21 (09-04)

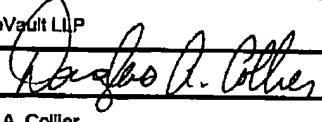
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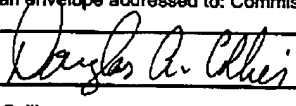
TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/631,241	
	Filing Date	July 31, 2003	
	First Named Inventor	J. Kenneth Burkus et al.	
	Art Unit	3733	
	Examiner Name	Richard R. Schaffer	
Total Number of Pages in This Submission	10	Attorney Docket Number	4002-3368/PC381.18

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Facsimile Cover Sheet
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Krieg DeVault LLP		
Signature			
Printed name	Douglas A. Collier		
Date	March 22, 2006	Reg. No.	43,556

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Signature			
Typed or printed name	Douglas A. Collier	Date	March 22, 2006

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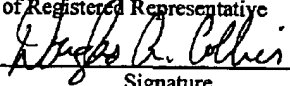
In re patent application of:)	
Burkus et al.)	Before the Examiner
Serial No. 10/631,241)	Richard R. Shaffer
Filed July 31, 2003)	Group Art Unit 3733
METHODS AND INSTRUMENTATION)	Atty Docket No. MSDI-132/PC361.16
FOR VERTEBRAL INTERBODY)	March 22, 2006
FUSION)	

RESPONSE TO NON-FINAL OFFICE ACTION

Commissioner for Patents
P.O. Box 1450
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Sir:

In response to the non-final Office Action mailed December 22, 2005 please consider the following. Please provide any extensions of time which may be necessary and charge any fees due to Deposit Account 12-2424, but not including the payment of issue fees.

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Response to Non-final Office Action
Ser. No. 10/631,241
Atty Docket No. MSDI-132/PC361.16
Page 1 of 8